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PROSECUTIONS AND SEIZURES UNDER THE INTERSTATE
CLAUSE (TITLE II) OF THE FEDERAL SEED ACT

(January 1, 1944 to June 30, 1944 (81-89))

81. False advertising of rape seed. U. S. v. Arthur G. Dunn, New York, N. Y.
Plea of nolo contendere. Fine, \$1,000.00. (F. S. 341).

Information was filed in the United States District Court for the Southern District of New York alleging that Arthur G. Dunn did on or about January 9, 1941, unlawfully advertise in interstate commerce rape seed in violation of the Federal Seed Act.

The seed, which was imported from Argentina, was advertised by means of letters to seed dealers in Iowa, North Dakota, and South Dakota, and was sold to these dealers as "Dwarf Essex Type" rape seed, which is a biennial commonly used for forage purposes; whereas, the seed was not Dwarf Essex Type rape seed. Tests made at the time of importation showed the seed to be annual rape seed which is not suitable for planting for forage purposes.

On March 20, 1944, the defendant entered a plea of nolo contendere and the Court imposed a fine of \$1,000.00 which is the maximum under the law for a first offense.

82. False labeling of mixed grass seed. U. S. v. I. L. Radwaner Seed Company, Inc., New York, N. Y. Plea of guilty. Fine \$250.00. (F. S. 360).

The I. L. Radwaner Seed Company, Inc., delivered for transportation in interstate commerce on April 9, 1942, from New York, N. Y., to Boston, Massachusetts, 5 bags of mixed grass seed.

Information was filed in the United States District Court for the Southern District of New York alleging that the I. L. Radwaner Seed Company, Inc., delivered for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain 8.50 percent Kentucky bluegrass seed, 39.50 percent redtop seed, and 9.80 percent timothy seed each with a germination of 80 percent and date of test, March 1942; whereas, a sample representing the seed was found to contain 4.27 percent Kentucky bluegrass seed, 12.81 percent redtop seed, and 49.13 percent timothy seed. The timothy seed was found to germinate 38 percent in May 1942.

On May 10, 1944, the defendant entered a plea of guilty and the Court imposed a fine of \$250.00.

83. False labeling of sorghum, millet, soybean, and sweetclover seed. U. S. v. Springfield Seed Company, Springfield, Missouri. Plea of guilty. Fine, \$275.00. (F. S. 369).

Information was filed in the United States District Court for the Western District of Missouri alleging that the Springfield Seed Company did unlawfully deliver for transportation in interstate commerce the following described seed in violation of the Federal Seed Act:

COUNT I

<u>Destination, Kind & Amount of shipment</u>	<u>Date of Shipment</u>	<u>Labeled</u>	<u>Found</u>
Dawson, Georgia Sorghum, 150 bags	2/10/42	Germination 80%	62% and 64% in March and April 1942

COUNT II

Albany, Georgia Sorghum, 51 bags	2/10/42	"Orange Cane"	Mixture of black amber, red amber, sourless and honey varieties
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COUNT III

Cairo, Georgia Sorghum, 100 bags	2/11/42	"Texas Seeded Ribbon Cane"	"Colman"
45 bags		Germination 80%	60% in April 1942
		"Orange Cane"	Mixture of black amber, red amber, honey and other varieties

COUNT IV

Yellville, Arkansas Sweetclover, 1 bag	2/21/42	"Germ 50 and 25 Hard Total 75%"	8% with 29% hard seeds in April 1942
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COUNT V

Opelika, Alabama Sorghum, 240 bags	3/11/42	Germination 80%	56% in April 1942
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COUNT VI

<u>Destination, Kind & Amount of shipment</u>	<u>Date of Shipment</u>	<u>Labeled</u>	<u>Found</u>
Flippin, Arkansas Sorghum, 2 bags	4/6/42	"Noxious Weeds per Lb. None"	18 Johnson grass per lb. and also pro- hibited from sale in Arkansas
		Inert .00%	1.35%
		"Mixed Hybrid Fodder Cane"	No true hybrid sorghums available

COUNT VII

Bentonville, Ark. Sorghum, 10 bags	5/5/42	Not labeled as to germination	47% and 50% in May 1942
		Inert .60%	2.45%
		"Mixed Hybrid Fodder Cane"	No true hybrid sorghums available

COUNT VIII

Flippin, Arkansas Sorghum, 2 bags	5/14/42	Germination 80%	55% in July 1942
		"Mixed Hybrid Fodder Cane"	No true hybrid sorghums available

COUNT IX

Rogers, Arkansas Soybean, 14 bags	5/20/42	Germination 85%	30% in July 1942
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COUNT X

Berryville, Ark. Millet, 5 bags	5/26/42	Germination 85%	70% in July 1942
		"Mixed Hybrid Fodder Millet"	No true hybrid millets available

COUNT XI

Paragould, Arkansas Sorghum, 10 bags	2/4/42	Germination 80%	51% in June 1942
		"Mixed Hybrid Fodder Cane"	No true hybrid sorghums available

On February 10, 1944, the defendant entered a plea of guilty on all 11 counts and the Court imposed a fine of \$25.00 on each count or a total of \$275.00.

84. Failure to label corn seed. U. S. v. 29, more or less, bags of corn seed. 4 bags seized and destroyed. (F. S. 384).

John Jenny, Revillo, South Dakota, delivered on or about March 25, 1943, for transportation in interstate commerce from Revillo, South Dakota, to Forman, North Dakota, approximately 29 bags of corn seed.

A libel was filed in the United States District Court for the District of North Dakota praying seizure of the 29 bags of corn seed and alleging same to be not labeled to comply with the Federal Seed Act.

Said seed was found not to be labeled to show the percentage of pure seed, the percentage of inert matter, the percentage of weed seed, the percentage of crop seed, and the percentage of germination with the date of test. An official sample of the seed was found to germinate 49 percent in April 1943.

Four remaining bags of the seed were seized. On May 16, 1944, the Court ordered the corn to be destroyed.

85. False labeling of lespedeza seed. U. S. v. 23 bags lespedeza seed. Seed seized and released under bond for relabeling. (F. S. 385).

T. W. Wood & Sons, Richmond, Virginia, delivered on February 4, 1943, for transportation in interstate commerce from Charlotte, North Carolina, to Talladega, Alabama, 23 bags of lespedeza seed.

A libel was filed in the United States District Court for the Northern District of Alabama praying seizure of this seed and alleging same to be falsely labeled and to contain noxious-weed seeds in excess of that permitted by the State into which the seed was shipped, in violation of the Federal Seed Act.

Labels attached to the bags represented the seed in part to contain wild onion seed at the rate of 90 per pound and dodder seed at the rate of 150 per pound; whereas, a sample representing the seed was found to contain dodder seed at the rate of 799 per pound, bracted plantain seed at the rate of 318 per pound, and wild onion bulblets at the rate of 9 per pound. Dodder seed is considered a primary noxious-weed seed and bracted plantain is considered a secondary noxious-weed seed by the law of the State of Alabama. The number of dodder and bracted plantain seeds exceeded the number allowed under the law and regulations of the State of Alabama and, therefore, exceeded the rate of occurrence permitted in seed shipped into that State.

On December 7, 1943, the seed was released under bond conditioned upon the seed being recleaned and relabeled and not disposed of contrary to the provisions of the Federal Seed Act.

86. False labeling of crimson clover seed. U. S. v. 5 bags crimson clover seed. Seed seized and ordered destroyed. (F. S. 405).

G. B. Shelton, Danville, Virginia, delivered on July 20, 1943, for transportation in interstate commerce from Danville, Virginia, to Roxboro, North Carolina, 5 bags of crimson clover seed.

A libel was filed in the United States Court for the Middle District of North Carolina praying seizure of 5 bags of crimson clover seed and alleging same to be falsely labeled in violation of the Federal Seed Act.

Labels attached to the 5 bags of crimson clover seed represented the seed to have a germination of 88 percent; whereas, a sample representing the seed showed a germination of 27 percent with 3 percent hard seeds in October 1943.

On May 22, 1944, no claimant having appeared the Court ordered the seed be destroyed.

87. False labeling of Sudan grass seed. U. S. v. Rudy-Patrick Seed Company, Kansas City, Missouri. Plea of guilty. Fine, \$200.00. (F. S. 407).

The Rudy-Patrick Seed Company, Kansas City, Missouri, on March 20, 1943, delivered for transportation in interstate commerce from Kansas City, Missouri, to Fayetteville, Arkansas, 10 bags of Sudan grass seed; and on April 21, 1943, delivered for transportation in interstate commerce from Kansas City, Missouri, to Madison, South Dakota, 600 bags of Sudan grass seed.

Information was filed in the United States District Court for the Western District of Missouri alleging that the Rudy-Patrick Seed Company unlawfully delivered for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labels attached to the 10 bags shipped into Arkansas did not show the presence of noxious-weed seeds; whereas, Johnson grass seeds were found at the rate of 59 per pound. Johnson grass seeds are considered noxious-weed seeds in the State of Arkansas and Sudan grass seed containing in excess of 25 Johnson grass seeds per pound is prohibited from sale in that State. The 600 bags shipped into South Dakota were falsely labeled as to germination. The labels represented the seed to have a germination of 80 percent in April 1943; whereas, the seed was found to have a germination of 54 percent in May 1943.

On May 4, 1944, the defendant entered a plea of guilty and the Court imposed a fine of \$100.00 on each of 2 counts.

88. False labeling of bean seed. U. S. v. 4 bags of lima bean seed. Seed seized and ordered used for feed purposes. (F. S. 410).

The United States Seed Company, Inc., St. Louis, Missouri, delivered for transportation in interstate commerce on December 6, 1943, from St. Louis, Missouri, to Birmingham, Alabama, and thence to Florence, Alabama, 4 bags of lima bean seed.

A libel was filed in the United States Court for the Northern District of Alabama praying seizure of 4 bags of lima bean seed and alleging same to be falsely labeled in violation of the Federal Seed Act.

Labels attached to the 4 bags of lima bean seed represented the seed to have a germination of 85 percent or more; whereas, a sample representing the seed showed a germination of 46 percent in February 1944.

On June 23, 1944, no claimant having appeared, the Court ordered the seed delivered to the Brice Hospital, a charitable institution, at Tuscaloosa, Alabama.

89. False labeling of bean seed. U. S. v. 5 bags of lima bean seed. Seed seized and ordered used for feed purposes. (F. S. 413).

The United States Seed Company, Inc., St. Louis, Missouri, delivered for transportation in interstate commerce on February 29, 1944, from St. Louis, Missouri, to Prattville, Alabama, 5 bags of lima bean seed.

A libel was filed in the United States District Court for the Middle District of Alabama praying seizure of 5 bags of lima bean seed and alleging same to be falsely labeled in violation of the Federal Seed Act.

Labels attached to the 5 bags of lima bean seed represented the seed to have a germination of 90 percent or more; whereas, a sample representing the seed showed a germination of 62 percent in March 1944.

On May 12, 1944, no claimant having appeared, the Court ordered that the seed be released to the Alabama Masonic Home, Montgomery, Alabama.

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